

### **REMARKS**

Claims 1 through 13 remain in this application. Claims 1, 7, 8 and 9 have been amended.

In the Office Action, the Examiner:

Rejected Claims 1-13 under 35 USC § 103(a) as being unpatentable over Angles (5,933,811.)

### **Claim Rejections-35 USC § 103**

The Examiner rejected claims 1-13 as being unpatentable over Angles (5,933,811).

#### **Claim 1**

Examiner rejected claim 1 as being unpatentable over Angles (5,933,811). Claim 1 as amended recites “dynamically creating identifying indicia upon the transmission of the data interface to the user computer, wherein the identifying indicia comprises a first user identification code and an advertiser code.” Claim 1 in its amended form clearly teaches the dynamic creation of identifying indicia. The identifying indicia of claim 1 comprise of the user identification code and the advertiser code. In contrast, Angles does not teach or suggest the dynamic generation of identifying indicia. Rather Angles teaches the transmission of a static member code that is retrievably stored in the user computer in the form of cookies and is retrievable by the advertisement provider as and when the user executes an advertisement request. (See Column 8, lines 8-13). This static member code under Angles is created when the consumer computer registers with the advertisement provider computer (Column 16, lines 57-67.)

Furthermore, claim 1 recites the limitation of transmitting a second user identification code to the provider computer from the user computer, wherein said second user identification code comprises current user information to identify user.” According to the present invention, the second user code may comprise of current user information to identify user. Such information may be the user’s IP address, time stamp, or any combination, including, but not limited to, a user IP address and a time stamp. (Specification Page 11, lines 5-10.) This limitation is also not taught or suggested by Angles because Angles only teaches

the transmission of the static member code from the user computer to the provider computer. (Column 8, lines 8-13). No other transmission of dynamically generated code is either taught or suggested by Angles.

The Office Action also states that the “data interface” of claim 1 is ambiguous and that this interface could be either software that the user will utilize to access the content, or a browser that the user will utilize to access the content or a window that is displayed where the user can click to obtain more information. Applicant respectfully submits that the data interface of the present invention is “any representation of, or any information directed to a set of predefined data that the provider, such as, the merchant desires a user to view. The predefined data can include any type of information, including but not limited, to product or service information. (See Specification Page 9, lines 17-20.)

The Office Action also states that claim 1 does not state that multiple identifying indicia or multiple data interface are transmitted. Applicant respectfully submits that with the amendment of claim 1 this rejection has now become moot because amended claim 7 clearly claims transmission of multiple identifying indicia.

Thus the present invention is not in any way rendered obvious by Angles. Accordingly, Applicants respectfully suggest that the § 103 (a) rejection to claim 1 be withdrawn and an indication of allowance be made.

#### **Claims 2-6**

The Examiner also rejected claims 2-6 as being obvious over Angles under 35 USC § 103(a). Claims 2-6 are dependent from Claim 1. As shown above, Angles does not teach or suggest the limitations as disclosed in claim 1. Consequently, dependent claim 2-6 are not

rendered obvious under Angles. In light of the above, Applicant respectfully requests that § 103(a) rejection to claims 2-6 be withdrawn and an indication of allowance be made.

### **Claim 7**

Examiner rejected claim 7 as being unpatentable over Angles (5,933,811). Claim 7 recites the limitation of an identifying indicia generator that generates a confirmation code comprising a dynamically generated first user identification code and an advertiser code. As discussed earlier, the present invention discloses the dynamic generation of a confirmation code as soon as an advertisement is downloaded on the user computer (Specification Page 11, lines 11-20.) According to amended claim 7, this confirmation code comprises of a first user identification code and an advertiser code. In contrast, Angles does not teach or suggest the dynamic generation of a confirmation code. The Angles reference merely teaches the transmission of a static member code that is retrievably stored in the user computer in the form of cookies and is retrievable by the advertisement provider (Column 8, lines 8-13).

The Office Action also states that claim 7 does not state that multiple identifying indicia or multiple data interface are transmitted. Applicant respectfully submits that with the amendment of claim 7 this rejection has now become moot because amended claim 7 clearly claims transmission of multiple identifying indicia.

Accordingly, Applicants respectfully suggest that the § 103 (a) rejection to claim 7 be withdrawn and an indication of allowance be made.

### **Claim 8**

The Examiner also rejected claim 8 as being obvious over Angles under 35 USC § 103(a). Claim 8 is dependent from Claim 7. As shown above, Angles does not teach or

suggest the limitations as disclosed in claim 7. Consequently, dependent claim 8 is not rendered obvious under Angles.

The Office Action states that the second user code of claim 8 can be open to a variety of interpretations. Applicant respectfully submits that according to the present invention, the second user code may comprise of current user information to identify user. Such information may be the user's IP address, time stamp, or any combination, including, but not limited to, a user IP address and a time stamp. (Specification Page 11, lines 5-10.) This limitation is also not taught or suggested by Angles because Angles only teaches the transmission of the static member code from the user computer to the provider computer. (Column 8, lines 8-13). No other transmission of dynamically generated code is either taught or suggested by Angles.

In light of the above, Applicant respectfully requests that § 103(a) rejection to claim 8 be withdrawn and an indication of allowance be made.

#### **Claim 9**

Examiner rejected claim 9 as being unpatentable over Angles (5,933,811). Claim 9 as amended recites the limitation of “dynamically creating a confirmation code upon the transmission of the advertisement to the user computer, wherein the confirmation code comprises a first user identification code and an advertiser code.” Thus it is clear that according to the present invention this confirmation code is a combination of the dynamically generated user identification code and advertiser code. When the user actually clicks on the advertisement, the confirmation code is transmitted to the provider computer. In contrast, Angles does not teach or suggest the dynamic generation of a confirmation code as soon as the advertisement downloads on the user computer. Rather Angles teaches the transmission of a static member code that is stored in the user computer in the form of cookies and is retrievable

by the advertisement provider. (Column 8, lines 8-13). In other words, Angles teaches the transmission of the static member code stored in cookie form from the user computer to the provider computer and does not teach or suggest the dynamic generation of a confirmation code upon the transmission of the advertisement to the user computer.

Further, claim 9 discloses the limitation of “transmitting a second user code generated by the transmission protocol to the provider computer.” This limitation is also not taught or suggested by Angles because Angles discloses transmission of the static member code alone from the user computer to the provider computer. (Column 8, lines 8-13). Angles does not teach or suggest the dynamic generation of a second user code as claimed in claim 9.

In light of the above, Applicant respectfully requests that § 103(a) rejection to claim 9 be withdrawn and an indication of allowance be made.

#### **Claims 10-11**

The Examiner also rejected claims 10-11 as being obvious over Angles under 35 USC § 103(a). Claims 10-11 are dependent from Claim 9. As shown above, Angles does not teach or suggest the limitations as disclosed in claim 9. Consequently, dependent claims 10-11 are not rendered obvious under Angles. In light of the above, Applicant respectfully requests that § 103(a) rejection to claims 10-11 be withdrawn and an indication of allowance be made.

#### **Claims 12-13**

The Examiner also rejected claims 12-13 as being obvious over Angles under 35 USC § 103 (a). Claims 12-13 are dependent from Claim 11. As shown above, Angles does not teach or suggest the limitations as disclosed in claim 11. Consequently, dependent claims 12-13 are

not rendered obvious under Angles. In light of the above, Applicant respectfully requests that § 103(a) rejection to claims 12-13 be withdrawn and an indication of allowance be made.

### CONCLUSION

In view of the foregoing, the Applicant believes that all of the claims are now in condition for allowance and respectfully request the Examiner to issue a timely Notice of Allowance in this case. If for any reason, the Examiner believes any of the claims are not in condition for allowance, he is encouraged to call the undersigned attorney at 650-325-4999 so that any remaining issues may be resolved.

The above changes are believed not to add new matter, as support is found in the specification as described above.

Claims 1-13 remain in this application. Applicant respectfully requests that a timely Notice of Allowance be issued in this case failing which Applicant respectfully requests the opportunity to have a teleconference with the Patent Examiner in order to resolve any outstanding issues.

Date: March 7, 2005

Respectfully submitted,



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